

REMARKS

This amendment is in response to the Final Official Action mailed May 05, 2006. In the amendment, claim 1 has been amended and claims 1-13 remain pending in the application. Reconsideration of the pending claims in light of this amendment and the following remarks is respectfully requested.

Applicant submits that this amendment clearly merits entry notwithstanding the finality of the rejection in the outstanding Office Action. This is for several reasons. First, the amendment essentially contains only grammatical changes. Also, the claimed features, including the features as recited in the amended claim, have already been considered by the Examiner during the course of prosecution. Finally, the amendment clearly places the application in condition for allowance.

Claims 1-13 have been rejected under 35 U.S.C. § 112, ¶1, as failing to comply with the written description requirement. This rejection is traversed.

In the Action, the Examiner indicates that the language previously employed in claim 1 includes conflicting singular and plural tenses, in reciting that “the camera support means *are* located ...” (Office Action, p. 4, emphasis supplied by the Examiner). Applicant appreciates the Examiner’s attention in this regard. Although Applicant notes that a means may have multiple components that are variously located, Applicant concurs that the term “is” provides a better reading of the claim in that the “means” may be appropriately considered a singular subject for grammatical purposes. Accordingly, amended claim 1 now states that the “camera support means *is* located”

The Examiner also notes that the recitation “located on an end of the electronic camera” indicates that only one distinct end is utilized in conjunction with the camera support means. In that regard, Applicant notes that the claim is and should be construed in open-ended fashion. Applicant has clarified the claims to recite that the means is “located on at least one end of the electronic camera,” which reads upon embodiments where one distinct end is utilized in

conjunction with camera support means, as well as embodiments where multiple ends are utilized in conjunction with camera support means.

With regard to the Examiner's indication that ambiguity may exist as to which of two distinct embodiments are being claimed, Applicant notes that it is permissible, and indeed desirable, to have a claim that covers multiple embodiments.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. § 112, ¶1.

Claims 1-13 have been rejected under 35 U.S.C. § 112, ¶2 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. This rejection is traversed.

The Examiner objects to the language "about 60 degrees" recited in independent claim 1 in this regard. Applicant submits that the claim language "about 60 degrees" provides the requisite particularity and distinctiveness. Relative terminology such as "about" is acceptable in a patent claim so long as "one of ordinary skill in the art would understand what is claimed, in light of the specification." MPEP § 2173.05(b). Accord BJ Services Co. v. Halliburton Energy Services, Inc., 338 F.3d 1368 (Fed. Cir. 2003). The angle referred to as "about 60 degrees" is claimed as a boundary at which the direction detection signal is enabled or disabled. The Applicant's specification discloses that this direction detection signal should be output "[w]hen the operator . . . rotates the image pickup unit 12 to photograph a subject other than himself," at page 10 lines 9-14, but should not be output "when the operator . . . rotates the image pickup unit 12 to photograph himself," at page 12 lines 3-8. Thus the claim language "about 60 degrees" is a "clear, but flexible" means to indicate the angle at which it can be said that a camera is or is not pointing at the operator in the specified embodiments. MPEP § 2173.05(b)A. This relative terminology, "about 60," is also used within the specification in this sense at page 6 line 32. Given this context for the range of the angle, as well as exemplary illustrations in Fig. 3 and Fig. 9, one of ordinary skill in the art would easily be able to determine whether a specific activity is covered by the claim.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. § 112, ¶2.

For the foregoing reasons, reconsideration and allowance of the claims which remain in the application are solicited. If any further issues remain, the Examiner is invited to telephone the undersigned to resolve them.

Dated:

Respectfully submitted,

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